



DOCKET NO.: 3DP-0542 (PRD-2300US)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Tianbao Lu, et al.      Confirmation No.: 2277  
Serial No.: 10/714,988      Group Art Unit: 1616  
Filing Date: November 17, 2003      Examiner: Dameron Jones  
For: **HETEROARYL AMINO GUANIDINES AND ALKOXYGUANIDINES AND  
THEIR USE AS PROTEASE INHIBITORS**

EXPRESS MAIL LABEL NO:  
DATE OF DEPOSIT:

Commissioner for Patents.  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, Ortho-McNeil Pharmaceutical, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,566,379 and 6,037,356. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

**3DP-0542 (PRD-2300US)****2****PATENT**

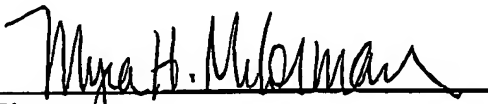
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

☒ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4/27/05

  
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## STATEMENT UNDER 37 CFR § 3.73(b)

Ortho-McNeil Pharmaceutical, Inc., of 920 US Route 202, P.O. Box 300, Raritan, NJ 08869-0602, a corporation of New Jersey states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of:

☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

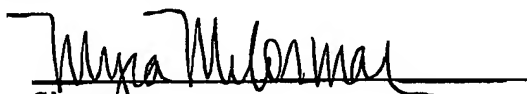
- i. From: Tianbao Lu, Bruce E. Tomczuk, Thomas P. Markotan, and Colleen Siedem To: 3-Dimensional Pharmaceuticals, Inc. The document was recorded in the Patent and Trademark Office at Reel 009835, Frame(s) 0168.

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- ii. From: 3-Dimensional Pharmaceuticals, Inc. To: Johnson and Johnson Pharmaceutical Research and Development L.L.C. The document was recorded in the Patent and Trademark Office at Reel **015854**, Frame(s) **0528**.
- iii. From: Johnson and Johnson Pharmaceutical Research and Development L.L.C To: Ortho-McNeil Pharmaceutical, Inc. The document was recorded in the Patent and Trademark Office at Reel **015878**, Frame(s) **0726**.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 4/27/05



Signature

Name: Myra H. McCormack

Title: Patent Attorney

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